IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO: 22386 of 2004**

Between:

1 P. Badya Naik, S/o. Laxman Naik,
R/o. Chandrainpalli Thanda, Pullagiri Village, Thimmajipet Mandal,
Mahabubnagar District.
2 P. Laliya Naik, S/o. Laxman Naik,
R/o. Chandrainpalli Thanda, Pullagiri Village, Thimmajipet Mandal,
Mahabubnagar District.
3 P. Kishan Das, S/o. Laxman Naik,
R/o. Chandrainpalli Thanda, Pullagiri Village, Thimmajipet Mandal,
Mahabubnagar District.

**... PETITIONERS**

AND

1 The District Collector, Mahabubnagar.
2 The Mandal Revenue Officer, Thimmajipet Mandal, Thimmajipet,
Mahabubnagar District.
3 The Mandal Revenue Officer, Jadcherla Mandal, Jadcherla,
Mahabubnagar District.
4 The Mandal Revenue Officer, Boothpur Mandal, Jadcherla,
Mahabubnagar District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly a Writ in the nature of Mandamus, declaring the action of the respondents in not granting the patta as promised in lieu of the land acquired for formation of the road in spite of lapse of nearly a decade as being illegal, arbitrary, violative of principles of promissory

estoppel besides Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to grant the patta in favour of the petitioners forthwith.

**Counsel for the Petitioner: MR.M.A.ASHFAQ MOHIUDDIN**

**Counsel for the Respondents: GP FOR REVENUE**

The Court, at the admission stage, made the following:

**ORDER:**

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue for the respondents, and with their consent, the writ petition itself is being disposed of finally at the stage of admission.

2. Petitioners are the sons of one Mr. Laxman Naik, the original pattedar of the land situated in S.No.183 of Pullagiri village, Thimmajipet Mandal, Mahabubnagar district. It is stated that when the Government proposed to lay a road through the said land, the same was resisted by the petitioners. Thereafter, the first respondent visited the said land and assured the petitioners that they would be given pattas to an extent of Ac.5.00 guntas in the abutting gairan land situated in S.Nos.240, 241 and 250 of Durgampally Village of Jadcherla Mandal, Mahabubnagar District, if road is laid through their land. Accordingly, second respondent – Mandal Revenue Officer, Thimmajipet Mandal, while confirming the possession of the petitioners in S.Nos.240, 241 and 250 of Durgampally village, addressed a letter to the fourth respondent – Mandal Revenue Officer, Boothpur Mandal, dated 27-04-1995, with a request to assign the same in favour of the petitioners. It is further stated that even though assurance was made to the petitioners, lands were not assigned in their favour. Petitioners are said to have made a representation dated

23-09-2004 to the District Collector, Mahabubnagar- first respondent

herein, for allotment of Government lands as assured by the second respondent and also for issue of patta certificates and passbooks. In spite of the said representation, it is alleged, that no action has yet been taken on the same. Hence, the present writ petition.

3. Inasmuch as the representation dated 23-09-2004, is said to be pending before the first respondent- District Collector, I deem it appropriate to dispose of the writ petition directing the first respondent – District Collector to dispose of the representation of the petitioners dated 23-09-2004 expeditiously.

The writ petition is accordingly disposed of at the admission

stage.

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**N.V. RAMANA, J**

December 6, 2004

**MRR/KSR**

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector, Mahabubnagar.
2 The Mandal Revenue Officer, Thimmajipet Mandal, Thimmajipet, Mahabubnagar District.
3 The Mandal Revenue Officer, Jadcherla Mandal, Jadcerla, Mahabubnagar District.
4 The Mandal Revenue Officer, Boothpur Mandal, Jadcerla, Mahabubnagar District.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

6 Two C.D. Copies.